

EXHIBIT H

Hart, Collin

From: Hart, Collin
Sent: Tuesday, December 5, 2023 12:51 PM
To: Jessica K. Peterson; Bailey E. Wharton; Peter A. Saba, Esq.; Joshua M. Smith, Esq.; John J. McHugh III
Cc: Cioffi, Michael L.; Stewart, Tom; Cunningham, Drew J.
Subject: RE: McHugh v. Fifth Third Bancorp, et al.; Case No. 1:21-cv-00238

Counsel,

I am responding to your below attached correspondence that seeks to schedule an additional 18 depositions, which would result in Plaintiff taking a total of 27 depositions—nearly three times the standard limit. Pursuant to Civil Rule 30(a)(2), you must seek leave of the court to take more than ten depositions unless the parties otherwise stipulate. Defendants are unwilling to stipulate to any of the requested depositions to the extent that their completion would take Plaintiff beyond the presumptive ten deposition limit. Accordingly, you must make a “particularized showing why extra depositions are necessary” and obtain leave of the court to do. *See Talismanic Props., LLC v. Tipp City*, 309 F. Supp. 3d 488, 497 (S.D. Oh. 2017). To date, you have not made the requisite showing to justify the additional requested depositions or even sought to obtain leave of the court.

As it pertains to your request that Defendants produce Guy Beaudin, Lars Anderson, Charley King, and Tayfun Tazun, these individuals are not employed in any capacity by Fifth Third Bank nor do they speak for the Bank or any Defendants. Accordingly, Defendants have no obligation to produce these individuals and you must obtain their deposition testimony through the traditional subpoena process—which I would note you have already attempted to do with respect to Charley King. *See Novovic v. Greyhound Lines, Inc.*, 2012 U.S. Dist. LEXIS 9203, *20 (S.D. Oh. Jan. 26, 2012) (“Federal Rule of Civil Procedure 45 provides the rules and mechanisms for securing a nonparty's testimony or production of documents, and requires that the individual be effectively served with a subpoena.”); *see also* Fed. R. Civ. P. 30, 45.

In light of the foregoing, please identify whom Plaintiff would like to notice as their tenth and final deposition so that we may coordinate scheduling.

Thank you,

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From: Jessica K. Peterson <jkp@sspfirm.com>
Sent: Thursday, November 30, 2023 2:50 PM
To: Cioffi, Michael L. <michael.cioffi@blankrome.com>; Hart, Collin <collin.hart@blankrome.com>; Stewart, Tom <tom.stewart@blankrome.com>
Cc: Joshua M. Smith, Esq. <jms@sspfirm.com>; Peter A. Saba, Esq. <PAS@sspfirm.com>; Bailey E. Wharton <bew@sspfirm.com>; John J. McHugh III <McHugh@McHughlaw.com>
Subject: McHugh v. Fifth Third Bancorp, et al.; Case No. 1:21-cv-00238

Good afternoon Counsel:

Please see the attached correspondence as it pertains to the above referenced matter.

If you have any questions, please feel free to contact our office. Thank you.

Sincerely,

Jessica K. Peterson
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